



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 12, 2010
Environment Committee

Testimony Submitted by Commissioner Amey W. Marrella
Department of Environmental Protection

Raised House Bill No. 5417 - AN ACT CONCERNING OPEN SPACE AND THE CREATION OF TRAILS FOR ALL-TERRAIN VEHICLES.

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5417, AN ACT CONCERNING OPEN SPACE AND THE CREATION OF TRAILS FOR ALL-TERRAIN VEHICLES. The bill contains a number of different proposals, and the Department of Environmental Protection (Department) offers the following testimony on each section of concern.

Section 1 of Raised House Bill 5417

Section one of HB 5417 requires the Commissioners of the Connecticut State Departments of Environmental Protection and Agriculture (DoAg) to develop a central open space and farmland preservation registry. As background, both the Department and the DoAg currently catalog their respective Department's interests in real property by means of electronic mapping software, or Geographic Information Systems (GIS). In addition, the Department is already involved in creating a statewide, automated inventory of protected open space. It is titled the Protected Open Space Mapping (POSM) Project and is being accomplished with the cooperation of all 169 municipalities in Connecticut. The goal of this project is not only in perfect concert with the goal of House Bill No. 5417, POSM takes that initiative a few steps further. POSM includes complete location, boundary, and attribute data for all parcels in the state that meet a standard definition of protected open space, regardless of ownership.

The Department also maintains a reference data layer that combines each Town's parcel boundary information into a single statewide GIS data layer which contains basic information such as Map/Block/Lot or street address for each parcel. All of the above mentioned data are compatible with each other and can be easily combined to create a central registry. In cooperation with the University of Connecticut's Center for Land Use Education and Research (CLEAR), the Department data is already available in two on-line formats, free of charge. One consists of downloadable resources that are compatible with GIS software for professional users in the land use planning community, and the other is Connecticut Environmental Conditions Online (CT ECO), a new interactive internet feature for general public knowledge and use. Both formats can be accessed via the following website <http://cteco.uconn.edu/>.

The Department's POSM project is approximately 66% complete. Progress on the project is labor intensive (requiring multiple visits to every town hall in Connecticut), and recently has been accomplished with the use of durational employees with very specific skill sets, but progress has been slowed because of a lack of dedicated funding. The Department continues to strive to identify additional resources to fund the durational staff funding necessary to finalize this valuable project. It is currently estimated that project completion would require resources of approximately \$500,000 over a two year period.

Section 3 of Raised House Bill 5417

The Department opposes Section 3 of the bill as it would set an unrealistic timeframe for the identification of Department land for use by ATV enthusiasts, and the bill leaves the false impression that financial resources are in place to plan, develop, monitor and enforce the operation of ATV facilities on State Park and Forest lands. Additionally, this proposal does not address other issues that will need to be statutorily addressed before ATVs can be legally operated on state land.

Pursuant to CGS 23-26, the Department has been working towards the goal of incorporating legal, sustainable ATV use on some state lands. In 2002, after a significant stakeholder process, the Department formally adopted a guidance and management policy for the establishment of ATV facilities on State property. The policy is available to view on our website at http://www.ct.gov/dep/lib/dep/outdoor_recreation/atv/atvplan_final.pdf. It is important to note, and as discussed in the Policy, the full implementation of the policy is contingent on the enactment of supporting legislation regarding safety training courses, rider certifications that are needed to operate on state lands, and other considerations.

Supporting legislation has been proposed over the last several years, but has failed to pass the legislature. If passed, the legislation from past years would have required that all ATVs to be ridden in Connecticut be registered. Past legislative proposals would also have required that funds generated from these "universal" registration fees would first fund the administrative costs at the Department of Motor Vehicles with the remainder directed to a special ATV account being established to support ATV programs. Under the legislation, all riders wishing to use trails on state land would need to obtain a certificate, for which a course in safety and riding ethics must be completed. The process will be similar to that currently in place for personal watercraft.

Over the past several years, and in furtherance of the adopted state policy, the Department has met with representatives of the ATV community on numerous occasions to solicit their help in identifying public lands that might be suitable for ATV riding. The Department has provided ATV group leaders with software and GIS data layers to analyze state property that would meet their needs. We also provided computer training to several group representatives to assist them with the work. No proposals following the ATV policy guidelines were received.

Consequently, the Department has recently undertaken a two part evaluation with a consultant, Baystate Environmental Consultants, Inc. (BEC) on properties under DEP's jurisdiction (due to funding limitations we are not assessing all state lands). The first part of the evaluation focused on conditions that exist on currently approved motorized event routes (enduros) on state forest lands. BEC estimated that the cost to repair the documented damage from these events to this

limited set of state trails in four State Forests would be approximately \$1.45 million (2009 dollars and utilization of volunteer labor). We can extrapolate that if additional legal riding areas are added on state land, and they are open widely to the ATV riding community that the damage will be substantial. The analysis has also found that ATV users cause the most (trail) damage followed by horses, mountain bikes, and hikers. ATV use on trails accelerates erosion, ditching/pocketing and environmental impacts due to the amount of horsepower, weight and torque created. According to the Statewide Comprehensive Outdoor Recreation Plan (SCORP) ATV and off road motorcycle users account for less than 15% of our statewide recreational user community, but have been observed to have the greatest negative impact on our recreational and environmental resources.

The second part of the Department's evaluation with BEC includes the development of criteria for siting an ATV facility on State land and utilizing those criteria to assess the feasibility of DEP lands pursuant to CGS 23-26 to support ATV use. This evaluation will conclude later this year, and will allow the Department to move to the next phases, including public dialogue about what state lands are targeted for conversion to ATV use, as well as course design, construction, and planning for monitoring and maintenance.

Section 4 of Raised House Bill 5417

Section 4 of this bill would direct the revenue received from snowmobile and ATV registrations to the Department for use in developing ATV facilities on state property. We appreciate the recognition that new resources will be needed to design, construct, monitor and provide enforcement at new ATV facilities on state park or forest property. While a detailed cost estimate for specific area(s) have not yet been developed, it is likely that any new ATV facility on state property will require a significant investment for the creation of parking lots, bridging for stream crossings, bathroom facilities, etc. These costs will likely total in the hundreds of thousands of dollars for a new facility. The Department is concerned, that this section of the bill will leave the false impression with ATV advocates, and others that sufficient resources would now be in place for this purpose. At less than \$50,000 per year, the dedication of current snowmobile and ATV registration fees to this purpose will be inadequate to support the effort.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@ct.gov.

Examples of ATV damage along existing trails in Pachaug State Forest.

